

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

February 15, 2011

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, February 15, 2011 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER:

Chairman Roberts called the meeting to order at 7:03 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum):

Vice Chairman Harley called the roll as follows:

Member Name	Present	Absent	Excused
Richard Roberts, Chairman	✓		
Thomas Harley, Vice Chairman	✓		
Joseph Hammer, Clerk			✓
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki			✓
James Hughes			✓
Antonio Margiotta			✓
Vacancy			
Thomas Dean (alternate)	✓		
Dave Edwards (alternate)			✓
Angelo Robert Fazzina (alternate)	✓		

Also present: Peter Gillespie, Town Planner/Economic Development Manager;
Denise Bradley, Assistant Planner;

Chairman Roberts noted that there were 4 full members and 2 alternate members in attendance at the time of roll call. 6 members present to participate.

Members of the public were present.

2. OLD BUSINESS:

There was no old business discussed at this meeting.

3. NEW BUSINESS:

3.1 C.G.S. § 8-24 Review No. 24-11-MR - Review of the five-year Capital Improvement Program

Motion: Vice Chairman Harley made a motion to take Agenda Item Number **3.1 (C.G.S. § 8-24 Review No. 24-11-MR - Review of the five-year Capital Improvement Program)** out of order on this meeting's Agenda and hear this matter after Agenda Item Number 3.4.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Dean, Fazzina;
Nay: None;

Vote: 6 – 0

This matter will be heard after Agenda Item Number 3.4.

3.2 PUBLIC HEARING APPLICATION NO. 1728-11-Z: Phillip Santavenere Seeking a Special Permit in accordance with Section 6.10 of the Wethersfield Zoning Regulations for earth removal and filling at 336 Jordan Lane.

Mr. Phillip Santavenere, 336 Jordan Lane, appeared before the Commission. He noted that the his Engineer has been unreachable, for he has been trying to get multiple copies of the Earth Filling and Removal Plan for the site from the Engineer for review by Commission. He provided the Commission with copies of said plan that he has had in his possession that were presented at the September 15, 2010 Inland Wetlands & Watercourses Commission meeting. The improvements, as shown on the site plan prepared by Sanderson & Washburn dated July 16, 2010, was approved as a plenary ruling with three (3) conditions (as noted in a letter dated September 16, 2010 to Mr. Phillip Santavenere from Mr. Donald Moisa, Inland Wetland & Watercourses Agent, Town of Wethersfield): (1) a swale will be constructed along the west side of the property and driveway to carry water away to north, from the rear of the properties along Goodwin Park Road; (2) large pieces of debris will be removed from the property; (3) any future improvements not shown on the plan would need to avoid the inland wetlands and require additional applications. He indicated that he brought in fill to solve drainage issues from neighboring properties without realizing that a permit was required to do so, as his property borders wetlands. He noted that a complaint was made to the Town, inspectors visited the site, and that he was ordered to not continue with work at the site. He stated that a hearing was called by the Inland Wetlands & Watercourses Commission. He indicated he was then directed to have an engineer report as to how much fill was deposited at the site and for said engineer to complete an earth filling and removal plan. He stated that the Inland Wetlands & Watercourses Commission (IWWC) found that the grade of the property versus what was on the other side yielded no adverse effect to wetlands.

He indicated that he has purchased a property on Goodwin Road with the idea of making the main driveway into his property from that location. He stated he is aware of an abutting neighbor, Ms. Murphy, and her concerns over his removal of brush on his property.

Chairman Roberts suggested that Mr. Santavenere contact the Town Engineer and provide the sixteen (16) sets of the Plan (see memo from Peter D. Gillespie and Denise Bradley to the Planning & Zoning Commission dated December 20, 2010), as there may be additional matters for which he may be applying for that are not present on the Plan which was submitted to and granted by the Inland Wetlands & Watercourses Commission on September 15, 2010.

Mr. Gillespie indicated that the copies of the plan that could not be produced for the Commission at this meeting are in fact the same set of plans that were approved by the Inland Wetlands & Watercourses Commission. He also noted that the same level of activity described in the Plans has occurred, as testified to thus far during this meeting. He suggested that despite the fact that the applicant has not submitted plans for review by the Commission members there may be neighbors present who may have

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questions relative to this Application should be heard at this time.

PUBLIC COMMENTS:

Mr. Gennaro Mascuolo, 48 Goodwin Park Road, appeared before the Commission with questions regarding this Application. He asked for clarification as to exactly where at the site the filling and grading had occurred.

Mr. Santavenere indicated that his property borders 74 Goodwin Park Road and 82 Goodwin Park Road. He noted that his backyard is eroding due to drainage directed from abutting neighbors. He stated that fill was deposited in the fenced-in area beyond the driveway to prevent further erosion. He noted that grading would be done and a swale installed, in compliance with the Inland Wetlands & Watercourses Commission, for proper channeling of drainage from abutting neighbors on the west side of the site.

Chairman Roberts indicated that a letter submitted by Ms. Karen L. Murphy, 68 Goodwin Park Road to the Planning and Zoning Commission be admitted to and made part of the record. This letter objects to what the Applicant has done thus far at the site.

Chairman Roberts requested that the Applicant review this Application with Mr. Gillespie prior to the next meeting of the Planning & Zoning Commission to ascertain whether additional information is needed.

Motion: Vice Chairman Harley made a motion to keep the public hearing open for the next meeting of the Planning & Zoning Commission scheduled for Tuesday, March 1, 2011, regarding: **PUBLIC HEARING APPLICATION NO. 1728-11-Z: Phillip Santavenere Seeking a Special Permit in accordance with Section 6.10 of the Wethersfield Zoning Regulations for earth removal and filling at 336 Jordan Lane.**

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Dean, Fazzina
Nay: None

Vote: 6 – 0

DISCUSSION:

Commissioner Oickle inquired and Mr. Gillespie indicated that Town landscaping requirements are not subject to this Application.

Commissioner Oickle made an inquiry regarding what types of vegetation were removed at the site. Mr. Santavenere indicated his intent was to keep healthy vegetation at the site without clear cutting the site. Mr. Santavenere noted that there were pricker bushes/brush and rotted trees removed from the site due to their decay and/or unsightliness. He also noted that he incurred a one hundred (\$100.00) dollar fine for burning the bushes/brush that he had removed from the site.

Vice Chairman Harley inquired and Mr. Santavenere indicated that he was on his own property when he and his two (2) helpers removed pricker bushes that bordered the property of his abutting neighbor, Ms. Murphy. Mr. Santavenere indicated that when he saw Ms. Murphy's reaction to the pricker bush removal, he offered to do something to help re-establish privacy in that section by giving her some

money towards new shrubbery replacements she purchased. He also stated he mentioned to the Inland Wetlands & Watercourses Commission that he plans to fence in the entire yard and include some privacy shrubbery at some point in the future.

Commissioner Munroe inquired and Mr. Gillespie indicated that the Inland Wetlands & Watercourses Commission was satisfied with what was done in the Application and included three (3) conditions (as noted in a letter dated September 16, 2010 to Mr. Phillip Santavenere from Mr. Donald Moisa, Inland Wetland & Watercourses Agent, Town of Wethersfield): (1) a swale will be constructed along the west side of the property and driveway to carry water away to north, from the rear of the properties along Goodwin Park Road; (2) large pieces of debris will be removed from the property; (3) any future improvements not shown on the plan would need to avoid the inland wetlands and require additional applications.

Commissioner Munroe indicated that he would like to see Plans as finalized, and Chairman Roberts reiterated the hearing as being kept open to facilitate a proper hearing of this Application.

Mr. Gillespie will contact the Applicant to discuss any information that is to be provided to the Commission for the next meeting.

This Public Hearing has been kept open and will appear on the Agenda of the Tuesday, March 1, 2011 meeting of the Planning & Zoning Commission.

3.3 PUBLIC HEARING APPLICATION NO. 1729-11-Z: Kieran Williams Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principal building at 442 Silas Deane Highway. (Renewal 1685-10-Z)

Mr. Kieran Williams, 149 Garden Street, appeared before the Commission. He noted that he is seeking a renewal of the special permit he received last year that expired in September 2010. The special permit request is to again locate and operate his mobile vending cart business of selling pre-cooked hot dogs, pre-cooked sausages, cookies, chips, candies and soda. He is requesting that the permit period extend beyond the one (1) year permit previously granted.

The Applicant stated in his original application that: (1) he would utilize a 75'x113'x67'x113' section of the right hand corner of the warehouse parking lot, which is owned by The Professional Flooring Company, to set up his mobile vending cart. (2) The vending cart would be placed on a paved lot area between 5' to 10' from the sidewalk. (3) Nine (9) parking spaces would be provided in the paved area behind the location of the cart. This lot is directly to the left of the building f/k/a Walt's Shell Gas Station. (4) A 40' wide ingress/egress exists at the location. (5) The vending cart dimensions are 46" wide by 40" long by 24" high, and the cart has a 6-1/2 foot high wind umbrella to protect the food.

There were no other requests to modify the initial permit from the Applicant other than the request for longer permit duration.

Commissioner Oickle inquired and Mr. Gillespie indicated that there have been no formal complaints pertaining to stipulation numbers 3 through 7 of the original permit. The stipulations are delineated in a Memorandum dated February 10, 2011, from Peter D. Gillespie and Denise Bradley to the Commission. The stipulations speak to parking, lighting, permit duration and clean up requirements for the site.

Mr. Gillespie indicated that based on activity at the site and the Applicant's compliance with the stipulations of the special permit during this past year, he has no objection for the Commission to extend the time frame of the special permit for this Application. Mr. Gillespie mentioned that he would be open to the idea, if the Commission deemed appropriate, of Staff handling, administratively, future special permit renewals for this matter when the renewal application terms/stipulations do not deviate from the terms/stipulations of the previous application.

The Applicant suggested that the Town or the property owner of the site contact the State of Connecticut to complete curbside topography issues the State created when working on the Silas Deane Highway. The Applicant stated that the lack of proper seeding by the State of Connecticut, Department of Transportation, on the snow shelf will result in landscaping maintenance difficulties by the Applicant. The Commission requested that Mr. Mike Turner, Director of Wethersfield Public Works, contact the State of Connecticut, Department of Transportation, regarding this issue.

Commissioner Dean made an inquiry to Staff whether recommendations or precedence exists relative to the concept of authorizing Staff to monitor and approve an ongoing permitting process.

Mr. Gillespie suggested that the Commission could make an approval with a term for a couple of years and that once that term expires, Staff could annually review compliance and operations in matters of this kind. He noted that if the aforementioned process resulted with any issues of note, an application would be directed to the Commission for further review and consideration.

Commissioner Dean made an inquiry regarding the waiving of application fees should Staff assume more responsibility in an ongoing permitting process.

Mr. Gillespie indicated that there are no fees associated with application reviews by Staff. However, application fees are incurred if matters require Commission input.

Chairman Roberts indicated that there is no mechanism for a fee structure with a Commission review with a Staff subsequent review of an application. He suggested the notion of a three (3) year permit duration with Staff review as dictated by the activity at the site. He and Commissioner Oickle concurred that predictability, consistency and fairness would be better demonstrated by the Commission if special permit applications of this kind were heard and decided by the Commission, and subsequently, having Staff review said matters if activity produced at a site dictated the need for Town input. Chairman Roberts reasoned that the mechanism described herein is optimal because special permits run with the land.

Commissioner Dean inquired if the Applicant had any objections regarding compliance with stipulation numbers 1 through 4, number 6, and number 7 of the original permit. The Applicant stated he did not object to compliance with those stipulations.

PUBLIC COMMENTS:

There were no comments from the public relative to this Application.

Motion: Vice Chairman Harley made a motion to close the Public Hearing regarding **PUBLIC**

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HEARING APPLICATION NO. 1729-11-Z: Kieran Williams Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principle building at 442 Silas Deane Highway. (Renewal 1685-10-Z)

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Dean, Fazzina;

Nay: None;

Vote: 6 – 0;

This Public Hearing was Closed.

Motion: Vice Chairman Harley made a motion to approve, **PUBLIC HEARING APPLICATION NO. 1729-11-Z: Kieran Williams** Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principal building at 442 Silas Deane Highway. (Renewal 1685-10-Z), with the following stipulations:

1. The business will operate no more than six (6) days per week from the hours of 10:30 a.m. to 2:30 p.m. (the time of which will include 30-45 minutes for set up and break down of the vending cart);
2. Applicant will inspect and provide cleanliness to the Site both at the beginning and end of the work day. Trash receptacles for trash collection and recycling are to be provided by Applicant and approved by Town Staff;
3. Proper maintenance of the parking lot, its spaces, and issues of physical deterioration of driveway deterioration will be handled by Applicant, regardless of weather conditions, for the safety of customers;
4. If lighting, seating or signage is desired in the future, the Applicant must seek assistance and approval of Town Staff. Town Staff will determine if Planning and Zoning Commission approval is required;
5. The term of the permit is for three (3) years (expiring February 15, 2014);
6. Applicant must provide striping to accommodate nine (9) parking spaces with the dimensions of 9'x18';
7. The general cleanup of the Site by Owner or Applicant, where appropriate, including items such as pallets and storage equipment, is to be made according to the satisfaction of Town Staff;
8. Town Staff are to periodically monitor the site.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Dean, Fazzina;

Nay: None;

Vote: 6 – 0;

Application Approved as Stipulated.

3.4 PUBLIC HEARING APPLICATION NO. 1730-11-Z: Brian Ayers Seeking Site Plan and Design Review in accordance with Section 5.2.G.2 of the Wethersfield Zoning Regulations to operate a Health and Fitness Studio at 1862 Berlin Turnpike (Atlas Tile Shopping Center).

Mr. Brian Ayers, 31 Princeton Street, West Hartford, appeared before the Commission. He provided the Commission with a copy of his business summary and a site plan (sketch). He described his business as a progressive strength and conditioning facility primarily focusing on fitness boot camps, boxing, and providing some one-on-one coaching as well. He noted that he is not making any major modifications to the space other than those depicted.

Chairman Roberts inquired and Mr. Gillespie indicated that there are no changes to the parking requirements at the site for the proposed business. Mr. Gillespie also noted that the peak times for the proposed business are earlier in the morning and later in the evening, times of which are not in direct conflict with the hot dog vendor.

Commissioner Oickle inquired and Mr. Gillespie noted that conflict with the hot dog vendor at the site can be managed. The Applicant noted that his space is in the end unit of the building.

Commissioner Oickle inquired and Mr. Gillespie indicated that driveway maintenance is needed and that there is an ongoing issue as to whether it is the Town's or property owner's responsibility to maintain that driveway.

PUBLIC COMMENTS:

There were no comments from the public relative to this Application.

Motion: Vice Chairman Harley made a motion to close the Public Hearing regarding **PUBLIC HEARING APPLICATION NO. 1730-11-Z: Brian Ayers** Seeking Site Plan and Design Review in accordance with Section 5.2.G.2 of the Wethersfield Zoning Regulations to operate a Health and Fitness Studio at 1862 Berlin Turnpike (Atlas Tile Shopping Center).

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Dean, Fazzina;
Nay: None;

Vote: 6 – 0;

This Public Hearing was Closed.

Motion: Commissioner Oickle made a motion to approve **PUBLIC HEARING APPLICATION NO.**

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1730-11-Z: **Brian Ayers** Seeking Site Plan and Design Review in accordance with Section 5.2.G.2 of the Wethersfield Zoning Regulations to operate a Health and Fitness Studio at 1862 Berlin Turnpike (Atlas Tile Shopping Center), as submitted.

Second: Vice Chairman Harley seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Dean, Fazzina;

Nay: None;

Vote: 6 – 0;

Application Approved as Submitted.

3.1 C.G.S. § 8-24 Review No. 24-11-MR - Review of the five-year Capital Improvement Program

Mr. Leslie C. Cole, 69 Boulter Road, appeared before the Commission to answer questions regarding the five-year Capital Improvement Program submission. Mr. Cole is Chairman of the Wethersfield Capital Improvements Advisory Committee (hereinafter referred to as CIAC). Mr. Turner, Director of Wethersfield Public Works, was also present to answer questions.

Commissioner Oickle made an inquiry relative to the amount of budget requested and when the projects would begin.

Chairman Roberts indicated that bulk of the budget requested is for a new boiler at Hanmer Elementary School and a truck shed.

Mr. Cole indicated that the CIAC responded to the Town Mayor's request to the CIAC that there be a 0% increase to the CIAC budget of last year. The Capital Improvement Budget for 2011-2012 is \$1.2 million dollars.

Commissioner Dean made an inquiry regarding what the role and function relative to the C.G.S. § 8-24 Review of this matter. He noted his understanding of the Planning and Zoning Commission's role is limited to scrutinizing the budget for purposes of identifying any conflicts or potential conflicts with the Town's plan of development, as well as with any conflicts the submission may have with existing zoning regulations. He believes it is not a function of the Commission, in this review, to consider Fiscal policy, expenditures and the thinking behind what is being proposed in the budget.

Chairman Roberts indicated that in general terms, he concurs with the role and function of the Planning and Zoning Commission regarding this review. He noted, however, that the review goes beyond what is necessary to adhere to the Town's Plan of Conservation and Development, and more in the review of town facilities and the prudent planning for the maintenance, use, expansion (generic planning) of town property. He believes this Commission review is to determine whether there is agreement as to the set of priorities, and the nature of what is being done. He noted that this is not an exercise of line item vetoing.

Commissioner Oickle concurred with Chairman Roberts and Commissioner Dean. He indicated that pursuant to statute, if the Planning and Zoning Commission voted for a certain line item to be eliminated, the Town Council could only override the Planning and Zoning Commission decision if the

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Town Council had a two-thirds (2/3) vote in favor of overriding the Planning and Zoning Commission's decision.

Mr. Cole indicated that project priorities are set with three (3) factors in mind:

- (1) Safety;
- (2) Government Mandates;
- (3) Money leveraging opportunities (grants)

Commissioner Oickle made an inquiry regarding test seal joints—various locations.

Mr. Turner, Director of Wethersfield Public Works, explained that sink holes in roads can be caused by an open pipe or an open joint in a pipe. He indicated that seal joints can be tested by way of an internal inspection of said pipes without having to tear up an existing road to complete said inspection.

Commissioner Dean asked Mr. Cole how the proposed budget compares with the expenditures of the previous year's (2010-2011) budget for the five-year plan. Mr. Cole indicated that the expenditures of the previous year's five year plan is the same as that of which is currently proposed. He noted there is a 0% increase over last year's budget, and that in the year prior to last, there was approximately \$100,000 increase to the budget.

Commissioner Munroe inquired if the State budget could not carry a line item in the proposed budget, how would that line item be handled.

Mr. Turner indicated that the State budget programs of Town Aid for Roads and L.O.C.I.P. would be utilized for paving and road maintenance.

Chairman Roberts and Commissioner Oickle reiterated their strong sentiment that the paving and road maintenance program is an ongoing top priority for the Town.

Public Comments:

Mr. Gus Colantonio, 16 Morrison Avenue, inquired as to whether the Town would proceed with the sidewalk renovation project on Morrison Avenue.

Mr. Coles noted that the Morrison Avenue project is on a separate project list.

Motion: Vice Chairman Harley made a motion for a positive § 8-24 referral to the Town Council with a strong recommendation that the Council fund the program at least to the level presented by the Capital Improvement Advisory Committee and that the Commission strongly encourages there be no decrease in the budget for the pavement maintenance program.

Second: Commissioner Oickle seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Fazzina;
Nay: None;

Vote: 5 – 0;

Commissioner Dean abstained from the vote.

A Positive Referral was made to Town Council.

4. OTHER BUSINESS:

There was no other business discussed at this meeting.

5. MINUTES - Minutes from the January 4, 2011 Meeting.

There were no corrections made to the Minutes from the January 4, 2011 meeting.

Motion: Commissioner Oickle motioned to approve the minutes, as submitted.

Second: Chairman Roberts seconded the motion.

Aye: Roberts, Harley, Munroe, Oickle, Dean;

Nay: None;

Vote: 5 – 0;

Commissioner Fazzina did not participate in the vote, as he was not present for the Planning & Zoning Commission Meeting of January 4, 2011.

Minutes approved as submitted.

MINUTES - Minutes from the January 19, 2011 Meeting.

There were no corrections made to the Minutes from the January 19, 2011 meeting.

Motion: Commissioner Harley motioned to approve the minutes, as submitted.

Second: Commissioner Fazzina seconded the motion.

Aye: Roberts, Harley, Munroe, Dean, Fazzina;

Nay: None;

Vote: 5 – 0;

Commissioner Oickle did not participate in the vote, as he was not present for the Planning & Zoning Commission Meeting of January 19, 2011.

Minutes approved as submitted.

6. STAFF REPORTS:

Mr. Gillespie and the Commissioners discussed having the Town Zoning Officer present at a future meeting to focus on some zoning matters.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING:

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There were no public comments made at this meeting relative to general matters of planning and zoning.

8. CORRESPONDENCE:

8.1 Monthly Economic Development Report.

8.2 An invitation to attend the Connecticut Federation of Planning and Zoning Agencies 63rd Annual Conference on Thursday, March 24, 2011.

8.3 An invitation to attend a CBA sponsored training session on Saturday, March 12, 2011.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS:

PUBLIC HEARING APPLICATION NO. 1728-11-Z: Phillip Santavenere Seeking a Special Permit in accordance with Section 6.10 of the Wethersfield Zoning Regulations for earth removal and filling at 336 Jordan Lane. – Tabled from 02/15/11.

10. ADJOURNMENT:

Motion to adjourn at 8:25 PM – by Vice Chairman Harley.

Seconded – by Commissioner Oickle.

Aye: Roberts, Harley, Munroe, Oickle, Dean, Fazzina;

Nay: None;

Vote: 6 – 0;

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary